

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-2426

TAE IL BONG,

Plaintiff - Appellant,

versus

SUPREME COURT OF VIRGINIA; RICHARD H. POTT,
Honorable Judge of the Supreme Court of Vir-
ginia; W. S. FLAHERTY, Captain, Department of
the State Police; GOVERNOR'S MANSION OF
VIRGINIA,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern Dis-
trict of Virginia, at Norfolk. Robert G. Doumar, Senior District
Judge. (CA-99-37-2-MC)

Submitted: December 16, 1999

Decided: December 27, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Cir-
cuit Judge.

Dismissed by unpublished per curiam opinion.

Tae Il Bong, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Tae Bong seeks to appeal the district court's order denying Bong's application to proceed in forma pauperis on the grounds that (1) the court had no jurisdiction over the case and (2) Bong had sufficient funds to pay the filing fee. Bong has applied to proceed on appeal in forma pauperis. We dismiss the appeal for lack of jurisdiction because Bong's notice of appeal was not timely filed.

Parties are accorded thirty days after entry of the district court's final judgment or order to note an appeal, see Fed. R. App. P. 4(a)(4), (b)(1), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corrections, 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

After the district court denied Bong's application to proceed in forma pauperis, Bong filed a motion for reconsideration that was denied on August 27, 1999. Bong's notice of appeal was filed on October 19, 1999. Because Bong failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we dismiss the appeal. We deny leave for Bong to proceed on appeal in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the mate-

rials before the court and argument would not aid the decisional process.

DISMISSED